

REMARKS

1. Applicant thanks the Examiner for the Examiner's findings and conclusions.
2. It should be appreciated that Applicant has elected to amend Claims 41 and 46 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.
3. The Applicant cancels Claims 1-40 from the application. The Applicant reserves the right to pursue content of Claims 1-40 at a later time in this patent application or in a related patent application properly cross-referenced to this patent application.
4. Claims 21-40 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In view of the above described cancellation of Claims 1-40, the current rejection of Claims 21-40 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is rendered moot.

5. Claims 1-55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent application publication no. 2003/0236832 (hereinafter "McIntyre").

Claims 1-40

In view of the above described cancellation of Claims 1-40, the current rejection of Claims 1-40 under 35 U.S.C. § 102(e) as being anticipated by McIntyre is rendered moot.

Claims 41-45

The Applicant amends Claim 41 to overcome the cited art and to clarify the invention by further requiring the communicating link to connect the sender user and the at least one recipient user directly through a peer-to-peer environment. Support for the amendment is found in the application as filed at least at page 6, line 24 to page 7, line 2. McIntyre does not teach or suggest a real-time communication session where the communicating link connects the sender user and the at least one recipient user directly through a peer-to-peer environment. Accordingly, the current rejection of Claim 41 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by McIntyre is deemed to be overcome.

Claims 46-55

The Applicant amends Claim 46 to distinguish Claim 46 from the prior art and to clarify the invention. First, the Applicant amends the preamble to provide "a sender user and at least one recipient user". The Applicant amends descendent language in the body of the claim to clarify that the users use the system and are not part of the claimed system. Second, the Applicant amends Claim 56 to require that the links are to locally stored content information, where the content information is stored in a relational database. Third, the Applicant clarifies by amendment that the server comprises a network-based transaction and communications facility facilitating content sharing between the sender user and the recipient user. Support for the amendments is found in the application as filed at least at page 5, lines 10-16 and page 4, lines 2-4. McIntyre does not teach a network-based transaction facility locally storing content in a relational database that facilitates real-time communication of the content and metadata between users.

Accordingly, the current rejection of Claim 46 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by McIntyre is deemed to be overcome.

6. New Claims 56-60 are added to the Application. Support for new Claim 56 is found in the application as filed at least at page 5, lines 23-26. Support for new Claim 57 is found in the application as filed at least within original Claims 1 and 11; within Figures 3 and 6; in the abstract; and at page 2, lines 7-12. Support for new Claim 58 is found in the application as filed at least at page 11, line 4. Support for new Claim 59 is found in the application as filed at least within Figure 6 and at page 14, lines 25-27. Support for new Claim 60 is found in the application as filed at least within Figure 2; at page 13, lines 7-9; at page 14, lines 12-14; at page 14, lines 12-15; and at page 5, lines 20-21. Applicant certifies that no new matter was added by way of the new claims.

CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. As such, the Examiner is earnestly requested to withdraw all rejections, allowing the Application to pass to issue as a U.S. patent. Should the Examiner have any questions regarding the Application, he is respectfully urged to contact the Applicant's attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Michael A. Glenn', written over a horizontal line.

Michael A. Glenn

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